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General Assembly

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Fifty-eighth session
Third Committee
Agenda item 117 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Angola, Bangladesh, Burkina Faso, Burundi, Cambodia, Cameroon, China, Colombia, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Indonesia, Iran (Islamic Republic of), Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mozambique, Myanmar, Namibia, Nigeria, Pakistan, Peru, Saint Vincent and the Grenadines, South Africa, Sudan, Suriname, Syrian Arab Republic, Tunisia, United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe: draft resolution

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Desirous of achieving further progress in international cooperation to promote and encourage respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter of the United

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Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant instruments,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Recalling its previous resolutions in this regard,

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3]

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and on countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. *Reaffirms* that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. *Calls upon* all Member States to base their activities for the promotion and protection of human rights, including the development of further international cooperation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and other relevant international instruments, and to refrain from activities that are inconsistent with that international framework;

4. *Considers* that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

5. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms, as a legitimate concern of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. *Requests* all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the contents of the present resolution in carrying out their mandates;

7. *Expresses its conviction* that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. *Stresses*, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. *Invites* Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. *Requests* the Commission on Human Rights to take duly into account the present resolution and to consider further proposals for the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;

11. *Takes note* of the report of the Secretary-General,[4] and requests the Secretary-General to invite Member States to present practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights, through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity, and to submit a comprehensive report on this question to the General Assembly at its fifty-ninth session;

12. *Decides* to consider this matter at its fifty-ninth session under the item entitled "Human rights questions".

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[4] A/58/185 and Add.1 and 2.

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Fifty-eighth session
Third Committee
Agenda item 106
Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family

Afghanistan, Algeria, Azerbaijan, Bangladesh, Belize, Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, the Central African Republic, China, Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Dominica, the Dominican Republic, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Indonesia, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritius, Mongolia, Myanmar, Niger, Nigeria, Oman, Pakistan, Panama, Qatar, the Russian Federation, Saint Lucia, Saudi Arabia, Senegal, the Sudan, Suriname, Swaziland, Timor-Leste, Tunisia, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia and Zimbabwe: amendments to draft resolution A/C.3/58/L.2

Preparations for the observance of the tenth anniversary of the International Year of the Family in 2004

1. Insert two new paragraphs following operative paragraph 1 to read as follows:

"*Welcomes* the decision of Benin to host a regional preparatory conference in Benin in May 2004 in collaboration with the United Nations, within existing resources;"

"*Welcomes* decisions by members of the international community (Governments, non-governmental organizations, civil society) to host events in observance of the tenth anniversary of the International Year of the Family;"

2. Insert an operative paragraph following operative paragraph 5 to read as follows:

"*Calls on* United Nations system agencies and bodies, including the regional commissions, within existing resources, and invites intergovernmental organizations and research and academic institutions to support regional events of the year 2004 to contribute to the success of these events;"

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3. Replace existing operative paragraph 6 with the following text:

"*Welcomes* the launching by the Secretary-General of the celebration of the tenth anniversary of the International Year of the Family on 4 December 2003;"

4. Insert an operative paragraph following operative paragraph 6 to read as follows:

Requests the Secretary-General to:

(a) Strengthen the programme of work of the Department of Economic and Social Affairs on family pursuant to the International Year of the Family + 10 objectives in the context of national family-related provisions of the outcomes of the United Nations summits and conferences, and in the context of the internationally agreed development goals, including those contained in the United Nations Millennium Declaration, to enhance the unique role of the family in society, in particular through:

(i) Developing and strengthening a family-focused perspective into relevant policies and programmes of United Nations bodies as well as in the follow-up to the outcomes of the relevant United Nations conferences and summits in the economic and social fields;

(ii) Provision of policy guidance on emerging issues and trends affecting the family, through preparation of studies and research papers aimed in particular at enhancing the role of the family in society;

(iii) Provision of technical assistance to countries, upon request, to enhance, where appropriate, their national capacities in the area of family-related work;

(b) Address family issues, where relevant, in his report on the integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields;

5. Replace existing operative paragraph 7 with the following text:

"*Requests* the Secretary-General to present an interim report to the Commission on Social Development at its forty-second session and a substantial report to the General Assembly at its fifty-ninth session on the implementation of the present resolution and on the preparations for and the celebration of the tenth anniversary of the International Year of the Family at all levels".

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Fifty-eighth session
Third Committee
Agenda item 117 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Australia, Austria, Belgium, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Netherlands, New Zealand, Norway, Philippines, Poland, Republic of Korea, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights and mass exoduses

The General Assembly,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions on this subject, as well as those of the Commission on Human Rights, and the conclusions of the World Conference on Human Rights,[1] which recognized, inter alia, that gross violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to mass exodus and displacements of people,

Mindful of the open debates that have taken place within the Security Council on the protection of civilians in armed conflict, the three reports of the Secretary-General on that subject,[2] and related resolutions adopted, including its resolution 57/187 of 18 December 2002,

Reaffirming the continuing relevance of the provisions of the 1951 Convention relating to the Status of Refugees[3] and its 1967 Protocol[4] to the situation of people

[1] A/CONF.157/24 (Part I), chap. III.
[2] S/1999/957, S/2001/331 and S/2002/1300.
[3] United Nations, *Treaty Series*, vol. 189, No. 2545.
[4] Ibid., vol. 606, No. 8791.

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in mass exoduses, and welcoming in this respect the process of Global Consultations on International Protection and the Agenda for Protection[5] and other follow-up processes endorsed by States as a result, which have sought, inter alia, to strengthen international responses to mass influx situations,

Welcoming the increased attention being given by the United Nations to the problem of insecurity in refugee camps, including through the development of operational guidelines on the separation of armed elements from refugee populations, and the increasing attention to registration and camp layout and design,

Stressing the importance of adherence to international humanitarian, human rights and refugee law in order to avert mass exoduses and to protect refugees and internally displaced persons, and expressing its deep concern at the lack of respect for those laws and principles, especially during armed conflict, including the denial of safe and unimpeded access to the displaced,

Reaffirming the primary responsibility of States to ensure the protection of refugees and internally displaced persons,

Noting with satisfaction the efforts of the United Nations system to develop a comprehensive approach to addressing the root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations that cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Taking note of the work in progress of the United Nations system to clarify the role of the United Nations in post-conflict transition situations, including mass exodus situations,

Recognizing further the complementarity between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, as well as the work of the Office for the Coordination of Humanitarian Affairs, the Representative of the Secretary-General for Internally Displaced Persons and the Special Representative of the Secretary-General for Children and Armed Conflict, and that cooperation between them, in accordance with their respective mandates, as well as coordination between the human rights, humanitarian, development, political and security components of the United Nations system, makes important contributions to the promotion and protection of the human rights of persons forced into mass exodus and displacement,

Acknowledging with appreciation the important and independent work of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting refugees and internally displaced persons, in cooperation with relevant international bodies,

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[5] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.

1. *Takes note* of the report of the Secretary-General;[6]

2. *Strongly deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

3. *Reaffirms* the need for all Governments, intergovernmental bodies and relevant international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious protection and assistance problems that result from, mass exoduses of refugees and displaced persons;

4. *Urges* the Secretary-General to continue to give high priority to the consolidation and strengthening of emergency preparedness and response mechanisms, including early warning activities in the humanitarian area, so that, inter alia, effective action is taken to identify all human rights abuses that contribute to mass exoduses of persons;

5. *Encourages* States that have not already done so to consider acceding to the 1951 Convention[3] and the 1967 Protocol[4] relating to the Status of Refugees and to other relevant regional instruments concerning refugees, as applicable, and relevant international instruments of human rights and humanitarian law, to take appropriate measures to disseminate and implement those instruments domestically, to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee and, as appropriate, to address the situation of the forcibly displaced in their reports to the human rights treaty bodies;

6. *Calls on* States to ensure the effective protection of refugees by, inter alia, respecting the principle of non-refoulement, emphasizes the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons, and also calls on all relevant international and non-governmental organizations to continue to respond to the assistance and protection needs of refugees and displaced persons, including through the promotion of durable solutions to their plight;

7. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, consistent with international law, inter alia, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees at safe locations, where possible away from the border, and to afford humanitarian personnel prompt and unhindered access to them;

8. *Condemns* all incidents of sexual exploitation, sexual abuse and violence against refugees and internally displaced persons, encourages Governments to adopt and implement initiatives aimed at preventing and addressing allegations of sexual exploitation and abuse in emergency situations, and calls on all relevant United Nations agencies to ensure the effective implementation and monitoring of the Secretary-General's bulletin,[7] the Inter-Agency Standing Committee Plan of Action

[6] A/58/186.

[7] ST/SGB/2003/13.

on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and other relevant codes of conduct;

9. *Encourages* the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on human rights problems that may result in mass exoduses of populations or impede their voluntary return home, to include such information, where appropriate, together with recommendations, in their reports and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

10. *Requests* all United Nations bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons, and to exchange such information among themselves, within their mandates, in order to encourage effective international responses;

11. *Requests* the United Nations High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations that cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively and promote sustainable returns through promotion and protection measures, including human rights monitoring of those who have fled or returned as part of mass exoduses, emergency preparedness and response mechanisms, early warning and information-sharing, technical advice, expertise and cooperation in countries of origin as well as host countries;

12. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of a viable environment for the sustainable return of displaced persons in post-conflict societies, working in cooperation with the States concerned, through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights and broad-based programmes of human rights education and the strengthening of local non-governmental organizations through field presences and programmes of advisory services and technical cooperation;

13. *Requests* the Secretary-General to prepare and submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution as it pertains to all aspects of human rights and mass exoduses, with particular emphasis on the efforts of the United Nations system to enhance the protection of those who become displaced during mass exoduses, and to facilitate their return and reintegration, as well as information on efforts to continue to enhance the capacity of the United Nations to avert new flows of refugees and other displaced persons and to tackle the root causes of such flows;

14. *Decides* to continue its consideration of this question at its sixtieth session.

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Agenda item 117 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Malaysia:* draft resolution

Enhancement of international cooperation in the field of human rights

The General Assembly,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

Recalling its adoption of the United Nations Millennium Declaration on 8 September 2000[2] and its resolution 57/224 of 18 December 2002, and taking note of Commission on Human Rights resolution 2003/60 of 24 April 2003 on the enhancement of international cooperation in the field of human rights,[3]

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

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* On behalf of the States Members of the United Nations that are members of the Non-Aligned Movement.

[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

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Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field, and recalling its decision to proclaim the year 2001 as the United Nations Year of Dialogue among Civilizations, as well as its resolution 56/6 of 9 November 2001, entitled "Global Agenda for Dialogue among Civilizations",

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

Recalling the adoption of resolution 2000/22 of 18 August 2000, entitled "Promotion of dialogue on human rights issues", by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[4]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

[4] See E/CN.4/2001/2-E/CN.4/Sub.2/2000/46, chap. II, sect. A.

8. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Decides* to continue its consideration of this question at its fifty-ninth session.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Malaysia:* draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions, the most recent of which was resolution 57/222 of 18 December 2002, and Commission on Human Rights resolution 2003/17 of 24 April 2003,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General,[2] pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120 of 12 December 1997,[4] and 55/110 of 4 December 2000,[5]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that

* On behalf of the members of the Movement of Non-Aligned Countries.
[1] See E/2003/23 (Part I), chap. II, sect. A.
[2] E/CN.4/2000/46 and Add.1.
[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.
[4] A/53/293 and Add.1.
[5] A/56/207 and Add.1.

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creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and the Platform of Action, adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

Expressing its grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter of the United Nations that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the Open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular its criteria according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11]

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[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report to the General Assembly;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its fifty-ninth session, highlighting the practical and preventive measures in this respect;

10. *Decides* to examine this question on a priority basis at its fifty-ninth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Malaysia:* draft resolution

The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[1]

Stressing the need for undertaking urgent measures to implement the goals and targets set in all the major United Nations conferences and summits and their review processes, which are paramount in the process of the realization of the right to development,

Taking note of the outcome of the Fourth Ministerial Conference of the World Trade Organization, held at Doha from 9 to 14 November 2001,[2]

Recalling that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

* On behalf of the members of the Non-Aligned Movement.

[1] See resolution 55/2.

[2] See A/C.2/56/7.

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Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of all human rights, and the individual as the central subject and beneficiary of development,

Recalling all its previous resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998, on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Welcoming its adoption of the Convention against Corruption[4] on 31 October 2003,

Recalling the high-level plenary meetings of the General Assembly held on 22 September 2003, devoted to the follow-up to the outcome of its twenty-sixth special session and the implementation of the Declaration of Commitment on HIV/AIDS,[5]

Recalling also the Final Document of the Thirteenth Conference of Heads of State or Government of the Non-Aligned Countries,[6] held in Kuala Lumpur from 20 to 25 February 2003,

Reiterating continued support for the New Partnership for Africa's Development[7] as a development framework for Africa,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the United Nations Millennium Development Goal of halving, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

Expressing regret that the Working Group on the Right to Development, at its fourth session, did not reach a conclusion, in particular on the implementation of the agreed conclusions of the third session of the Working Group, while aware of the views and observations of the Chairperson-Rapporteur,

1. *Endorses* the agreed conclusions of the third session of the Working Group on the Right to Development,[8] as adopted by the Commission on Human Rights in its resolution 2002/69 of 25 April 2002,[9] which constitute a solid foundation for further initiatives towards the promotion and the realization of the right to development;

2. *Regrets* that the fourth session of the Working Group did not reach a conclusion, and encourages it, at its fifth session, to work more effectively in fulfilling its mandate;

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[3] A/CONF.157/24 (Part I), chap. III.

[4] Resolution 58/4, annex.

[5] Resolution S-26/2, annex.

[6] A/57/759-S/2003/332, annex I.

[7] A/57/304, annex.

[8] See E/CN.4/2002/28/Rev.1.

[9] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

3. *Stresses* the importance of the core principles that underpin the purpose of international human rights instruments, such as equality, equity, non-discrimination, transparency, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the international level;

4. *Reaffirms* the commitments to implement the goals and targets set in all the outcomes of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that its realization is critical to achieving the objectives, goals and targets set in those outcome documents;

5. *Reaffirms also* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[5] which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

6. *Stresses* that the basic responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

7. *Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and their commitment to cooperating with each other to that end;

8. *Reaffirms also* the need for an international environment that is conducive to the realization of the right to development;

9. *Stresses* the need to strive for the greater acceptance, operationalization and realization of the right to development at the international level, and calls on States to undertake the necessary policy formulation and to institute the measures required for the implementation of the right to development as a fundamental human right;

10. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels;

11. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

12. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

13. *Reaffirms* the commitment, and urges developed countries that have not yet done so, to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help meet development goals and targets;

14. *Recognizes* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries;

15. *Recognizes also* the need to address market access for developing countries, including in respect of agriculture, services and non-agricultural products, in particular those of interest to developing countries;

16. *Considers* that a desirable pace of meaningful trade liberalization, in particular in relation to agricultural trade and other areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries are important issues in making progress towards the effective implementation of the right to development;

17. *Underlines* the fact that the international community is far from meeting the target set in the Millennium Declaration[1] of halving the number of people living in poverty by 2015, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

18. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need to broaden the base of decision-making at the international level on issues of development concern and to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and economies in transition in international economic decision-making and norm-setting;

19. *Recognizes also* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

20. *Recognizes further* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural,

economic, political and social activities of the community and the promotion of the right to development;

21. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the protection and promotion of those rights, especially in areas relating to health, education and the full development of their capacities;

22. *Stresses also* that further measures must be taken at the national and international levels to fight HIV/AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

23. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for good corporate governance;

24. *Emphasizes* the urgent need for taking concrete measures, including the repatriation of illegally acquired assets and funds to the countries of origin, to fight against all forms of corruption at the national and international levels, and stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention against Corruption[4] as soon as possible;

25. *Looks forward* to the consideration by the Commission on Human Rights at its sixty-first session of the concept document to be prepared by the Subcommission on the Promotion and Protection of Human Rights establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, as well as issues that any such instrument might address, and the determination by the Commission of the feasibility of those options;

26. *Emphasizes* the need to further strengthen the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate, and better servicing of and support for the Working Group on the Right to Development;

27. *Requests* the Secretary-General to ensure that the Office of the High Commissioner effectively assists in implementing the recommendations contained in the agreed conclusions of the third session of the Working Group on the Right to Development, including in particular ensuring the meaningful participation and contribution of all relevant United Nations agencies, funds, programmes and specialized agencies, as well as international organizations, in the next session of the Working Group;

28. *Stresses* the need for mainstreaming the right to development in the operational programmes and objectives of the United Nations agencies, funds, programmes and specialized agencies and in the policies and objectives of the international financial and multilateral trading systems;

29. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies,

funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

30. *Also requests* the Secretary-General to submit a report to the General Assembly at its fifty-ninth session and to the Commission on Human Rights at its sixtieth session on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Argentina, Azerbaijan, Brazil, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Mozambique, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Senegal, South Africa, Swaziland, Thailand, Timor-Leste, Togo, United Republic of Tanzania, Uruguay and Zambia: draft resolution

The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5]

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right, and that such a right derives from the inherent dignity of the human person,

Recalling that, according to the constitution of the World Health Organization,[6] health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 34/180, annex.
[5] Resolution 44/25, annex.
[6] United Nations, *Treaty Series*, vol. 14, No. 221.

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Recognizing the need to progressively achieve the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the relevant provisions of declarations and programmes of action adopted by the major United Nations conferences, summits and special sessions and at their follow-up meetings, in particular the four health-related development goals contained in the United Nations Millennium Declaration,[7]

Noting Commission on Human Rights resolution 2003/28 of 22 April 2003[8] and all previous resolutions adopted by the Commission concerning the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Noting also general recommendation 24 on women and health (article 12 of the Convention on the Elimination of All Forms of Discrimination against Women), adopted by the Committee on the Elimination of Discrimination against Women at its twentieth session,[9]

Welcoming the adoption of the World Health Organization Framework Convention on Tobacco Control by the fifty-sixth session of the World Health Assembly on 21 May 2003,[10]

Recognizing the important contribution of all regional and subregional intergovernmental initiatives regarding HIV/AIDS, including those aimed at strengthening horizontal technical cooperation and encouraging best practices,

Aware that for millions of people throughout the world the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing also in this regard the important role of civil society, including non-governmental organizations, and in particular that of people living with HIV/AIDS in the fight against this pandemic,

Recognizing further the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Welcoming the initiatives by the Secretary-General and relevant United Nations bodies and programmes, including the World Health Organization and the

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[7] Resolution 55/2.

[8] See E/2003/23 (Part I), chap. II, sect. A.

[9] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38* (A/54/38), chap. I.A.

[10] *Official Records of the World Health Organization, Fifty-sixth World Health Assembly, Geneva, 19-28 May 2003* (WHA56/2003/REC/1), resolution 56.1.

Joint United Nations Programme on HIV/AIDS, as well as public-private partnership initiatives, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, which contribute to improvements in addressing health issues worldwide, including in developing countries, while noting that further progress should be achieved in this regard, including in the mobilization of resources,

Concerned about the interrelationships between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and in particular about the fact that ill-health can be both a cause and a consequence of poverty,

Considering that sexual and reproductive health are integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health, adopted at the Fourth Ministerial Conference of the World Trade Organization, held in Doha from 9 to 14 November 2001,[11] and welcoming the decision of the General Council of the World Trade Organization of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health,[12]

1. *Urges* States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively, by all appropriate means, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including, in particular, the adoption of legislative measures;

2. *Calls upon* the international community to continue to assist the developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support as well as training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

3. *Calls upon* States to guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

4. *Reaffirms* that the achievement of the highest attainable level of health is a most important worldwide social goal, the realization of which requires action on the part of many other social and economic sectors in addition to the health sector;

5. *Affirms* that good governance at all levels, sound economic policies and solid democratic institutions responsive to the needs of the people are also key to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* States to pay special attention to the situation of vulnerable groups, including by the adoption of positive measures, in order to safeguard the full

[11] WT/MIN(01)/DEC/2. Available on the Internet at http://docsonline.wto.org.

[12] See WT/L/540.

realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

7. *Also calls upon* States to place a gender perspective at the centre of all policies and programmes affecting women's health;

8. *Further calls upon* States to protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

9. *Invites* States to consider signing and ratifying the World Health Organization Framework Convention on Tobacco Control, adopted by the fifty-sixth session of the World Health Assembly on 21 May 2003;[10]

10. *Takes note with interest* of the interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[13]

11. *Also takes note with interest* of the approach proposed by the Special Rapporteur to encompass the responsibilities of States at all levels in his future work on how to evaluate the progressive realization of the right of everyone to the highest attainable standard of physical and mental health and of his efforts to apply this approach to specialized areas of health care, such as essential medicines, sexual and reproductive health, HIV/AIDS, children's health and water and sanitation;

12. *Welcomes* the special attention given by the Special Rapporteur to the identification of good practices for the effective implementation of the right of everyone to the highest attainable standard of physical and mental health;

13. *Recognizes* the need for further international cooperation and research to promote the development of new drugs, vaccines and diagnostic tools for diseases causing a heavy burden in developing countries, and stresses the need to support developing countries in their efforts in this regard, taking into account that the failure of market forces to address such diseases has a direct negative impact on the progressive realization in these countries of the right of everyone to the highest attainable standard of physical and mental health;

14. *Requests* the United Nations High Commissioner for Human Rights to provide the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

15. *Calls upon* Governments to cooperate fully with the Special Rapporteur in the implementation of his mandate, to provide all information requested and to respond promptly to his communications;

16. *Notes* the request of the Commission on Human Rights to the Special Rapporteur, in its resolution 2003/28,[8] to submit annually a report to the Commission and an interim report to the General Assembly on the activities performed under his mandate;

17. *Requests* the Commission on Human Rights to continue consideration of this matter at its sixtieth session under the same agenda item.

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[13] E/CN.4/2003/58.

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Algeria, Azerbaijan, Belarus, Cameroon, China, Colombia, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Georgia, India, Indonesia, Kazakhstan, Kenya, Mauritania, Nigeria, Peru, Philippines, Russian Federation, Saudi Arabia, Senegal, Sudan, Swaziland, Togo, Turkey, Venezuela, Viet Nam and Zimbabwe: draft resolution

Human rights and terrorism

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[2] and the International Covenants on Human Rights,[3]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[4] as well as the Declaration on Measures to Eliminate International Terrorism,[5]

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] in which the Conference reaffirmed that the acts, methods and practices of terrorism in all its forms and manifestations, as well as its linkage in some countries to drug trafficking, are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and the security of States and destabilizing legitimately constituted Governments, and that the international

[1] Resolution 217 A (III).
[2] Resolution 2625 (XXV), annex.
[3] Resolution 2200 A (XXI), annex.
[4] See resolution 50/6.
[5] Resolution 49/60, annex.
[6] A/CONF.157/24 (Part I), chap. III.

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community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Recalling further the United Nations Millennium Declaration adopted by the General Assembly,[7]

Recalling in this regard the reference in the report of the Secretary-General on the implementation of the United Nations Millennium Declaration to the fact that terrorism itself is a violation of human rights and must be combated as such and that efforts at combating it must, however, be pursued in full compliance with established international norms,[8]

Recalling also its resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997, 54/109 and 54/110 of 9 December 1999, 54/164 of 17 December 1999, 55/158 of 12 December 2000, 56/160 of 19 December 2001 and 57/219 and 57/220 of 18 December 2002,

Recalling in particular that, in its resolution 52/133, it requested the Secretary-General to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of human rights and fundamental freedoms,

Recalling previous resolutions of the Commission on Human Rights,

Bearing in mind all other relevant General Assembly resolutions,

Bearing in mind also relevant Security Council resolutions,

Aware that, at the dawn of the twenty-first century, the world is witness to historic and far-reaching transformations, in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Alarmed that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the right to life is the basic human right, without which a human being can exercise no other right,

Bearing in mind also that terrorism creates an environment that destroys the right of people to live in freedom from fear,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international law,

Seriously concerned about the gross violations of human rights perpetrated by terrorist groups,

Expressing its deepest sympathy and condolences to all the victims of terrorism and their families,

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[7] See resolution 55/2.

[8] A/58/323, para. 28.

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism, which may cause massive damage, including huge loss of human life,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law, including relevant States' obligations under international human rights and international humanitarian law, and to strengthen the role of the United Nations in this respect,

Emphasizing also that States shall deny safe haven to those who finance, plan, support or commit terrorist acts or provide safe havens,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, in particular the right to life,

Noting the growing consciousness within the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

Noting also the developments that have occurred since its fifty-sixth session on addressing the issue of human rights and terrorism at the national, regional and international levels,

1. *Reiterates its unequivocal condemnation* of the acts, methods and practices of terrorism in all its forms and manifestations as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

2. *Strongly condemns* the violations of the right to life, liberty and security;

3. *Profoundly deplores* the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances;

4. *Expresses its solidarity* with the victims of terrorism;

5. *Reaffirms* the decision of the heads of State and Government, as contained in the United Nations Millennium Declaration,[7] to take concerted action against international terrorism and to accede as soon as possible to all the relevant regional and international conventions;

6. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

7. *Calls upon* States to take all necessary and effective measures, in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever it is committed, and also calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

8. *Urges* all States to deny safe haven to terrorists;

9. *Calls upon* States to take appropriate measures, in conformity with relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, including assassinations, and in this context urges those States that have granted refugee status or asylum to persons involved in or claiming to have committed acts of terrorism to review these situations;

10. *Condemns* the incitement to ethnic hatred, violence and terrorism;

11. *Stresses* that every person regardless of nationality, race, sex, religion or any other distinction, has a right to protection from terrorism and terrorist acts;

12. *Expresses concern* about the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, the taking of hostages and robbery, and requests the relevant United Nations bodies to continue to give special attention to this question;

13. *Welcomes* the report of the Secretary-General on human rights and terrorism,[9] and requests him to continue to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his report to the General Assembly;

14. *Decides* to consider this question at its sixtieth session under the item entitled "Human rights questions".

[9] A/58/533.

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Afghanistan, Argentina, Australia, Bangladesh, Benin, Bhutan, Bolivia, Cameroon, Canada, Chile, Colombia, Croatia, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ethiopia, Germany, Greece, India, Indonesia, Ireland, Japan, Madagascar, Malawi, Malaysia, Mauritius, Mexico, Mongolia, Morocco, Nigeria, Norway, Philippines, Republic of Korea, Romania, Senegal, Sierra Leone, Sri Lanka, Tunisia, Turkey, Ukraine, Venezuela and Zambia: draft resolution

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played an important role and should continue to play a more important role in assisting the development of national institutions,

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Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remedying human rights violations, in disseminating information on human rights and in education in human rights,

Recalling also the Beijing Platform for Action,[2] in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Noting the diverse approaches adopted throughout the world for the promotion and protection of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and recognizing the value of such approaches in promoting universal respect for and observance of human rights and fundamental freedoms,

Recalling the Programme of Action adopted by national institutions meeting in Vienna from 14 to 16 June 1993[3] during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting with appreciation the existence of the regional human rights networks in Europe and Africa, the continuing work of the Network of National Human Rights Institutions in the Americas and the work of the Asia Pacific Forum of National Human Rights Institutions,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

1. *Welcomes* the report of the Secretary-General;[4]

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), contained in the annex to General Assembly resolution 48/134 of 20 December 1993;

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[1] A/CONF.157/24 (Part I), chap. III.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[3] A/CONF.157/NI/6.

[4] A/58/261.

3. *Reiterates*, on the tenth anniversary of their recognition by the General Assembly, the continued importance of the Paris Principles, recognizes the value of further strengthening their application where appropriate, and encourages States, national institutions and other interested parties to consider ways to achieve this;

4. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[1] it is the right of each State to choose the framework for the national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

5. *Encourages* Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

6. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

7. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

8. *Notes with satisfaction* the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

9. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities, including those of the United Nations, in particular in the context of the United Nations Decade for Human Rights Education, 1995-2004;

10. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights;

11. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, and, in view of the expanded activities relating to national institutions, encourages the High Commissioner to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

12. *Welcomes* the establishment of a national institutions web site[5] as an important vehicle for the delivery of information to national institutioas and for sharing best practice, and notes with satisfaction the intention of the Office of the

[5] National Human Rights Institutions Forum (www.nhri.net).

High Commissioner to publish a compendium of national legislation relevant to national institutions;

13. *Notes with appreciation* the increasingly active and important role of the International Coordinating Committee of National Institutions, as recognized in Commission on Human Rights resolution 1994/54 of 4 March 1994,[6] in close cooperation with the Office of the High Commissioner, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

14. *Also notes with appreciation* the holding of regular meetings of the International Coordinating Committee of National Institutions and the arrangements for the participation of national human rights institutions in the annual sessions of the Commission on Human Rights;

15. *Requests* the Secretary-General to continue to provide the necessary assistance for holding meetings of the International Coordinating Committee of National Institutions during the sessions of the Commission on Human Rights, in cooperation with the Office of the High Commissioner;

16. *Welcomes* the continuation of the practice of national institutions convening regional meetings in some regions, and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

17. *Requests* the Secretary-General to continue to provide, including from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for holding international and regional meetings of national institutions;

18. *Recognizes* the important and constructive role that non-governmental organizations may play, in cooperation with national institutions, for better promotion and protection of human rights;

19. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

20. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

21. *Encourages* all United Nations entities, funds and agencies to work in close cooperation with national institutions in the promotion and protection of human rights;

22. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

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[6] See *Official Records of the Economic and Social Council, 1994, Supplement No. 4* and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe: draft resolution

Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000, concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000 and section III of its resolution 55/234 of 23 December 2000,

Recalling further that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Also recalling the report of the United Nations High Commissioner for Human Rights,[1]

Taking note of the holding of the twentieth ministerial meeting of the Standing Advisory Committee on Security Questions in Central Africa, in Malabo, Equatorial Guinea, from 27 to 31 October 2003,

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36* (A/56/36 and Corr.1 and Add.1).

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2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide their full assistance for the proper functioning of the Subregional Centre;

4. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution.

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Afghanistan, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Canada, Chile, Colombia, Croatia, Czech Republic, Denmark, Dominican Republic, Finland, France, Georgia, Germany, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Mexico, Monaco, Mozambique, Netherlands, Norway, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, San Marino, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Protection of and assistance to internally displaced persons

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of the displacement problem in cooperation with the international community,

Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root

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causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, or local integration,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[1]

Emphasizing the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and welcoming initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons as well as better coordination of activities regarding them,

Commending the Representative of the Secretary-General on internally displaced persons for the activities undertaken so far, and the catalytic role that he plays in raising the level of consciousness about the plight of internally displaced persons and for his efforts to promote a comprehensive strategy that focuses on prevention as well as better protection, assistance and addressing the development needs of internally displaced persons,

Taking note of Commission on Human Rights resolution 2003/51 of 23 April 2003,[2] and recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] regarding the need to develop global strategies to address the problem of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and noting that the Rome Statute of the International Criminal Court[4] defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population as well as ordering the displacement of the civilian population as war crimes,

Noting the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations and other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better protection, assistance and development strategies for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian

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[1] E/CN.4/1998/53/Add.2, annex.

[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.

[4] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling its resolution 56/164 of 19 December 2001,

1. *Welcomes* the report of the Representative of the Secretary-General on internally displaced persons;[5]

2. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

3. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs and rights of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for internally displaced persons, taking into account specific situations, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

4. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and welcomes the commitment of the Special Representative to pay more systematic and in-depth attention to their particular assistance, protection and development needs, as well as to other groups with special needs such as older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;

5. *Notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

6. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and reintegration and rehabilitation processes;

7. *Expresses its appreciation* of the Guiding Principles on Internal Displacement[1] as an important tool for dealing with situations of internal displacement, welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

8. *Welcomes* the fact that the Representative of the Secretary-General continues to use the Guiding Principles on Internal Displacement in his dialogue with Governments and intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles;

[5] A/58/393.

9. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement and to give serious consideration to inviting the Representative to visit their countries so as to enable him to study and analyse more fully the issues involved, and thanks those Governments that have already done so;

10. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

11. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

12. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, notes the work of the Internal Displacement Unit within the Office for the Coordination of Humanitarian Affairs of the Secretariat, and encourages further strengthening of the collaboration with the Representative of the Secretary-General in line with the memorandum of understanding of 17 April 2002 between the Representative and the Emergency Relief Coordinator;

13. *Emphasizes* the need to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement, and underlines in this regard the importance of an effective, accountable and predictable collaborative approach;

14. *Encourages* all relevant United Nations agencies and humanitarian assistance, human rights and development organizations to enhance further their collaboration and coordination, through the Inter-Agency Standing Committee and in countries with situations of internal displacement, and to provide all possible assistance and support to the Representative of the Secretary-General;

15. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated inter-agency appeals process, and encourages further efforts in this regard;

16. *Recognizes* the relevance of the global database on internally displaced persons, advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

17. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the protection, assistance and development needs of internally displaced persons, and encourages them and other

regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

18. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative to continue to seek the contribution of States, relevant organizations and institutions, in order to create a more stable basis for the work of the Representative;

19. *Requests* the Representative of the Secretary-General to prepare, for consideration by the General Assembly at its sixtieth session, a report on the implementation of the present resolution;

20. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixtieth session.

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Item 117 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland and Venezuela: draft resolution

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution,

Reiterating the importance of the Declaration and stressing the importance of its wide dissemination,

Recalling all previous resolutions on this subject, in particular its resolution 57/209 of 18 December 2002, and Commission on Human Rights resolution 2003/64 of 24 April 2003,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

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Gravely concerned by the human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned by the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders, particularly those active at the local and community levels, and the particular consequences for women human rights defenders and defenders of rights of persons belonging to minorities,

Noting with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on the work and safety of human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity,

Recalling that under the International Covenant on Civil and Political Rights[1] certain rights are recognized as non-derogable, and emphasizing that derogation from other rights and freedoms can take place only under strict observance of the agreed conditions and procedures identified under article 4 of the Covenant,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Welcoming the cooperation between the Special Representative and other special procedures of the Commission on Human Rights,

Welcoming also regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to

[1] See resolution 2200 A (XXI), annex.

Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders[2] and her contribution to the effective promotion of the Declaration and improvement of the protection of human rights defenders worldwide;

3. *Encourages* all States to ensure and maintain an environment conducive to the work of human rights defenders;

4. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

5. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both the local and national levels;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, particularly international human rights law, and do not hinder the work and safety of human rights defenders;

7. *Emphasizes* the importance of combating impunity, and in this regard urges States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;

8. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information in the fulfilment of her mandate upon request;

9. *Calls upon* Governments to give serious consideration to responding favourably to the Special Representative's requests to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to her recommendations, so as to enable her to fulfil her mandate even more effectively;

10. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;

11. *Invites* Governments to consider translating the Declaration into national languages, and encourages them to disseminate it widely;

12. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

13. *Invites* relevant United Nations bodies, including at the country level, within their mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and requests the Office of the United Nations High Commissioner for Human Rights to

[2] E/CN.4/2001/94, A/56/341, E/CN.4/2002/106 and Add.1 and 2 and A/57/182.

draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

14. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

15. *Decides* to consider this question at its fifty-ninth session, under the item entitled "Human rights questions".

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Bahrain, Egypt, Malaysia, Saudi Arabia, Senegal, South Africa, Sudan, United Arab Emirates and Yemen: amendments to draft resolution A/C.3/58/L.30/Rev.1

The situation of and assistance to Israeli children

1. In the title of the draft resolution, delete the word "Israeli" and after the word "children" insert the words "in the Middle East region". The title will thus read as follows:

"The situation of and assistance to children in the Middle East region"

2. In the fifth preambular paragraph, delete the word "Israeli" and insert the words "Middle East". Before the word "terrorism" add the words "occupation, violence and". The paragraph will thus read as follows:

"*Concerned* that Middle East children suffering from the effects of occupation, violence and terrorism are deprived of many basic rights under the Convention".

3. Replace the sixth preambular paragraph with the following:

"*Emphasizing* that foreign occupation, violations of international law, including international humanitarian law, and violations of instruments relevant to the well-being of the child, as well as deprivation, hostility and confrontation, are the main sources of the suffering and hardship of children in the whole Middle East region".

4. In the seventh preambular paragraph, after the word "violence" add the words "military assaults, excessive use of force" and delete the word "Israeli". The paragraph will thus read as follows:

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"*Expressing its condemnation* of all acts of violence, military assaults, excessive use of force and incitement of violence and terrorism, resulting in extensive loss of human life and injuries, including among children".

5. Replace the eighth preambular paragraph with the following:

"*Affirming* the obligations of Israel, the occupying Power, under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949".

6. In operative paragraph 1, delete the word "Israeli" and insert the word "Middle East", and after the word "from" insert the words "occupation, deprivation". The paragraph will thus read as follows:

"1. *Stresses* the urgent need for Middle East children to live a normal life free from occupation, deprivation, terrorism, destruction and fear".

7. Replace operative paragraph 2 with the following:

"2. *Expresses its support* for all efforts to achieve a just and comprehensive peace in the Middle East and to ensure peace and prosperity for the peoples of the region, including children.".

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Angola, Argentina, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ghana, Dominican Republic, Ecuador, Guatemala, Mali, Mexico, Mozambique, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Senegal, South Africa, Thailand, Timor-Leste, Togo and Uruguay: draft resolution

Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria

The General Assembly,

Reaffirming the Universal Declaration of Human Rights[1] and the International Covenant on Economic, Social and Cultural Rights,[2]

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right,

Recalling Commission on Human Rights resolutions 2001/33 of 23 April 2001,[3] 2002/32 of 22 April 2002[4] and 2003/29 of 22 April 2003,[5]

Acknowledging that prevention and comprehensive care and support, including treatment and access to medication for those infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria, are inseparable elements of an effective response and must be integrated into a comprehensive approach to respond to such pandemics,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.
[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.
[5] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

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Stressing the importance of fully implementing the Declaration of Commitment on HIV/AIDS "Global Crisis — Global Action"[6] and taking note of the report of the Secretary-General on progress towards the implementation of the Declaration,[7]

Welcoming the continuing political commitment demonstrated at the high-level plenary meetings of the General Assembly devoted to the follow-up to the outcome of its twenty-sixth special session and the implementation of the Declaration of Commitment on HIV/AIDS, held on 22 September 2003,

Expressing its support for the work of the Global Fund to Fight AIDS, Tuberculosis and Malaria and of other international bodies combating such pandemics,

Bearing in mind World Health Assembly resolutions WHA 55.12 and WHA 55.14 of 18 May 2002 and WHA 56.30 of 28 May 2003,

Bearing also in mind the International Labour Organization Code of Practice on HIV/AIDS and the World of Work, adopted by the Governing Body of the International Labour Organization in June 2001,

Noting general comment No. 14 (2000) on the right to the highest attainable standard of physical and mental health (article 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session, in May 2000,[8]

Noting general comment No. 3 (2003) on HIV/AIDS and the rights of the child, adopted by the Committee on the Rights of the Child at its thirty-second session, in January 2003,[9]

Alarmed that the HIV/AIDS pandemic claimed 3.1 million lives in 2002, that about 42 million people were living with HIV by the end of 2002, and that 25 million children under the age of 15, including 20 million in Africa, are projected to lose one or both parents owing to HIV/AIDS by 2010,

Fully aware that the failure to deliver antiretroviral treatment for HIV/AIDS to the millions of people who need it causes a global health emergency,

Recalling its resolution 57/294 of 20 December 2002, entitled "2001-2010: Decade to Roll Back Malaria in Developing Countries, particularly in Africa",

Alarmed that, according to the global Roll Back Malaria partnership, malaria annually causes more than 1 million deaths, around 90 per cent of which are in Africa, that malaria is the leading cause of death in young children and that malaria causes at least 300 million cases of acute illness each year,

Alarmed also that, according to the World Health Organization report of 2003 on global tuberculosis control,[10] tuberculosis kills about 2 million people each year, 7 million to 8 million people around the world become sick with tuberculosis each

[6] Resolution S-26/2, annex.

[7] A/58/184.

[8] *Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22), annex IV.

[9] CRC/GC/2003/3.

[10] WHO/CDS/TB/2003.316.

year and it is projected that between 2002 and 2020 36 million people will die of tuberculosis if control is not further strengthened,

Acknowledging the significance of HIV/AIDS in the increase in tuberculosis and other opportunistic diseases,

Welcoming the initiatives of the Secretary-General and relevant United Nations agencies, States and civil society, including the private sector, to make drugs related to HIV/AIDS, tuberculosis and malaria more accessible and affordable to infected persons, especially in developing countries, and noting that much more could be done in this regard,

Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health, adopted by the Fourth Ministerial Conference of the World Trade Organization in Doha on 14 November 2001,[11] and *welcoming* the decision of the General Council of the World Trade Organization of 30 August 2003 on the implementation of paragraph 6 of the Doha Declaration,

Recognizing that the spread of HIV/AIDS can have a uniquely devastating impact on all sectors and levels of society and stressing that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, as stated in Security Council resolution 1308 (2000) of 17 July 2000,

Emphasizing, in view of the increasing challenges presented by pandemics such as HIV/AIDS, tuberculosis and malaria, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, including by reducing vulnerability to pandemics such as HIV/AIDS, tuberculosis and malaria and by preventing related discrimination and stigma,

1. *Recognizes* that access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria is one fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Welcomes* the commitment of the World Health Organization and the Joint United Nations Programme on HIV/AIDS to work with the international community to support developing countries in achieving the global target of providing antiretroviral medicines to 3 million people infected with HIV/AIDS by the end of 2005, the "3 by 5" target;

3. *Takes note with interest* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[12]

4. *Calls upon* States to develop and implement national strategies, in accordance with applicable international law, including international agreements acceded to, in order progressively to realize access for all to prevention-related goods, services and information as well as access to comprehensive treatment, care and support for all individuals infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria;

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[11] WT/MIN(01)/DEC/2. Available on the Internet at http://docsonline.wto.org.

[12] A/58/427.

5. *Also calls upon* States to establish or strengthen national health and social infrastructures and health-care systems, with the assistance of the international community as necessary, for the effective delivery of prevention, treatment, care and support to respond to pandemics such as HIV/AIDS, tuberculosis and malaria;

6. *Further calls upon* States to pursue policies, in accordance with applicable international law, including international agreements acceded to, which would promote:

(a) The availability in sufficient quantities of pharmaceutical products and medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them;

(b) The accessibility and affordability for all without discrimination, including the most vulnerable or socially disadvantaged groups of the population, of pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them;

(c) The assurance that pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them, irrespective of their sources and countries of origin, are scientifically and medically appropriate and of good quality;

7. *Calls upon* States, at the national level, on a non-discriminatory basis, in accordance with applicable international law, including international agreements acceded to:

(a) To refrain from taking measures that would deny or limit equal access for all persons to preventive, curative or palliative pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis, malaria or the most common opportunistic infections that accompany them;

(b) To adopt and implement legislation or other measures, in accordance with applicable international law, including international agreements acceded to, to safeguard access to such preventive, curative or palliative pharmaceutical products or medical technologies from any limitations by third parties;

(c) To adopt all appropriate positive measures, to the maximum of the resources allocated for this purpose, to promote effective access to such preventive, curative or palliative pharmaceutical products or medical technologies;

8. *Also calls upon* States, in furtherance of the Declaration of Commitment on HIV/AIDS,[6] to address factors affecting the provision of drugs related to the treatment of pandemics such as HIV/AIDS and the most common opportunistic infections that accompany them, as well as to develop integrated strategies to strengthen health-care systems, including voluntary counselling and testing, laboratory capacities and the training of health-care providers and technicians, in order to provide treatment and monitor the use of medications, diagnostics and related technologies;

9. *Further calls upon* States to take all appropriate measures, nationally and through cooperation, to promote research and development of new and more effective preventive, curative or palliative pharmaceutical products and diagnostic

tools, in accordance with applicable international law, including international agreements acceded to;

10. *Calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements acceded to, such as:

(a) To facilitate, wherever possible, access in other countries to essential preventive, curative or palliative pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them, as well as to extend the necessary cooperation, wherever possible, especially in times of emergency;

(b) To ensure that their actions as members of international organizations take due account of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that the application of international agreements is supportive of public health policies which promote broad access to safe, effective and affordable preventive, curative or palliative pharmaceutical products and medical technologies;

11. *Welcomes* the financial contributions made to date to the Global Fund to Fight AIDS, Tuberculosis and Malaria, urges that further contributions be made to sustain the Fund, and calls upon all States to encourage the private sector to contribute to the Fund as a matter of urgency;

12. *Calls upon* the Joint United Nations Programme on HIV/AIDS to mobilize further resources to combat the HIV/AIDS pandemic and upon all Governments to take measures to ensure that the necessary resources are made available to the Joint United Nations Programme on HIV/AIDS, in line with the Declaration of Commitment on HIV/AIDS;

13. *Also calls upon* States to ensure that those at risk of contracting malaria, in particular pregnant women and children under five years of age, benefit from the most suitable combination of personal and community protective measures, such as insecticide treated bed nets and other interventions that are accessible and affordable, to prevent infection and suffering;

14. *Further calls upon* States to provide the necessary support for the World Health Organization Roll Back Malaria and Stop Tuberculosis partnerships in ongoing measures to combat malaria and tuberculosis;

15. *Calls upon* the international community, the developed countries in particular, to continue to assist the developing countries in the fight against pandemics such as HIV/AIDS, tuberculosis and malaria through financial and technical support, as well as through the training of personnel;

16. *Invites* the Committee on Economic, Social and Cultural Rights to give attention to the issue of access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria and invites States to include appropriate information thereon in the reports they submit to the Committee.

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Argentina, Austria, Bangladesh, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Croatia, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Mexico, Netherlands, Nicaragua, Norway, Poland, Portugal, Republic of Korea, San Marino, Senegal, Slovakia, Slovenia, Sweden, Thailand, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution

Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, in particular resolution 56/159 of 19 December 2001,

Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Noting with satisfaction that increasing numbers of Member States are using elections as peaceful means of discerning the will of the people, which builds confidence in representational governance and contributes to greater national peace and stability,

Recalling the Universal Declaration of Human Rights adopted on 10 December 1948,[1] in particular the principle that the will of the people as expressed through periodic and genuine elections shall be the basis of government authority, as well as the right freely to choose representatives through periodic and genuine elections

[1] Resolution 217 A (III).

which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

Taking note with interest of Commission on Human Rights resolution 2003/36 of 23 April 2003,[2]

Recognizing the need for strengthening democratic processes, electoral institutions and national capacity-building, including the capacity to administer fair elections, increase citizen participation and provide civic education, in requesting countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,

Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Welcoming also the contributions made by international and regional organizations and also by non-governmental organizations to enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,

Having considered the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections,[3]

1. *Welcomes* the report of the Secretary-General;[3]

2. *Commends* the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs of requesting countries to develop, improve and refine their electoral institutions and processes, recognizing that the fundamental responsibility of organizing free and fair elections lies with Governments;

3. *Requests* the Electoral Assistance Division of the Department of Political Affairs of the Secretariat, in its role as coordinator of United Nations electoral assistance, to continue to inform Member States regularly about the requests received and the nature of any assistance provided;

4. *Requests* that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, including the provision of long-term technical cooperation, that conditions exist to allow free and fair elections and that the results of the mission will be reported comprehensively and consistently;

5. *Recommends* that, throughout the entire electoral process time-span, including before and after elections, as appropriate, based on needs assessment missions, the United Nations continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes;

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[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[3] A/58/212.

6. *Notes with appreciation* additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and needs-specific responses to requests for electoral assistance, and expresses its appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

7. *Recalls* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

8. *Encourages* the Secretary-General, through the Electoral Assistance Division, to continue responding to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular by enhancing the capacity of national electoral institutions;

9. *Requests* the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Division, to the numerous and increasingly complex and comprehensive requests from Member States for advisory services;

10. *Notes with satisfaction* the comprehensive coordination between the Electoral Assistance Division and the United Nations Development Programme, and encourages further engagement of the Office of the United Nations High Commissioner for Human Rights in this context;

11. *Requests* the United Nations Development Programme to continue its governance assistance programmes in cooperation with other relevant organizations, in particular those that strengthen democratic institutions and linkages between civil society and Governments;

12. *Reiterates* the importance of reinforced coordination within and outside the United Nations system in this regard;

13. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance, and on his efforts to enhance the support by the Organization for the democratization process in Member States.

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United Nations Decade for Human Rights Education, 1995-2004

The General Assembly,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Reaffirming article 26 of the Universal Declaration, which states that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms", and recalling the provisions of other relevant international human rights instruments that reflect the aims of the article,

Recalling the relevant resolutions adopted by the General Assembly and the Commission on Human Rights concerning the United Nations Decade for Human Rights Education, 1995-2004,

[1] Resolution 217 A (III).

03-61737 (E) 181103

Believing that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and for ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should constitute a comprehensive, lifelong process by which all people learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that every woman, man and child, in order to realize their full human potential, must be made aware of all their human rights and fundamental freedoms, and the corresponding responsibility of States,

Recognizing that human rights education is essential to the realization of human rights and fundamental freedoms and that carefully designed training, dissemination and information programmes can have a catalytic effect on national, regional and international initiatives to promote and protect human rights and prevent human rights violations,

Convinced that human rights education contributes to a holistic concept of development consistent with the dignity of people of all ages, which contributes to the promotion of the rights of those in the most vulnerable segments of society, such as children, young persons, older persons, indigenous people, minorities, the rural and urban poor, migrant workers, refugees, persons with the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and disabled persons,

Convinced also that the effectiveness of existing human rights education and public information activities would be enhanced by better coordination and cooperation at the national, regional and international levels,

Recognizing the invaluable, creative and active role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating information and engaging in human rights education, especially at the grass-roots level,

Aware of the potential role of the private sector in human rights education through financial support for governmental and non-governmental activities as well as their own creative and effective initiatives,

Noting with appreciation the efforts undertaken thus far by the Office of the United Nations High Commissioner for Human Rights to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004,[2] and to increase information-sharing in the area of human rights education,

Welcoming other United Nations public information activities in the field of human rights,

Noting Commission on Human Rights resolution 2003/70 of 20 April 2003,[3] in which the Commission requested the Office of the High Commissioner, jointly with the United Nations Educational, Scientific and Cultural Organization, to report on

[2] A/51/506/Add.1, appendix.

[3] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

the achievements and shortcomings of the current United Nations Decade for Human Rights Education,

1. *Notes* with appreciation the report of the United Nations High Commissioner for Human Rights entitled "Education and public information activities in the field of human rights",[4] and public information activities in the field of human rights;

2. *Welcomes* the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004,[2] and to develop public information activities in the field of human rights;

3. *Urges* all Governments to promote the development of comprehensive, participatory and sustainable national strategies for human rights education and to establish and strengthen in their education policies knowledge of human rights, both in its theoretical dimensions and in practical applications;

4. *Also urges* all Governments to intensify their efforts to contribute to the implementation of the Plan of Action, and in particular, to implement the suggestions in relevant resolutions adopted by the General Assembly and the Commission on Human Rights regarding possible activities to be included in national strategies for human rights education;

5. *Encourages* Governments to support further, through voluntary contributions, the education and public information efforts undertaken by the Office of the High Commissioner within the framework of the Plan of Action;

6. *Encourages* the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights;

7. *Urges* the Department of Public Information of the Secretariat to continue to utilize United Nations information centres for the timely dissemination of basic information, reference and audio-visual materials on human rights and fundamental freedoms;

8. *Requests* the High Commissioner to continue to coordinate and harmonize human rights education and information strategies and the implementation of the Plan of Action and the World Public Information Campaign on Human Rights within the United Nations system, in cooperation with, inter alia, the United Nations Educational, Scientific and Cultural Organization and the Department of Public Information, and to ensure maximum effectiveness and efficiency in the collection, use, processing, management and distribution of human rights information and educational materials, including through electronic means;

9. *Encourages* all relevant organs, bodies and agencies of the United Nations system, to provide training in human rights for all United Nations personnel and officials;

10. *Encourages* the human rights treaty bodies, within their mandates, when examining reports of States parties, to consider States parties' activities in the area of human rights education;

[4] A/58/318.

11. *Encourages* all relevant mechanisms of the Commission on Human Rights, to include systematically in their reports a specific section on human rights education, as relevant to their mandate, as well as to include human rights education as an item on their agenda of their annual meetings, with a view to strengthening their contribution to human rights education;

12. *Calls upon* international, regional and national non-governmental organizations and intergovernmental organizations to develop human rights education programmes in implementing the Plan of Action;

13. *Welcomes*, initiatives to include civil society, non-governmental organizations, children and youth in national delegations to United Nations meetings, as an important component of human rights education;

14. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to seek the cooperation of the private sector, development, trade and financial institutions and the media in developing human rights education strategies;

15. *Encourages* regional organizations to develop strategies for the wider distribution of materials on human rights education in all relevant languages, and to maximize the participation of national entities in regional programmes on human rights education;

16. *Requests* the High Commissioner to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information;

17. *Decides* to dedicate a plenary meeting to the commemoration of Human Rights Day at the fifty-ninth session of the General Assembly on 10 December 2004, structured as an interactive dialogue to review the achievements of the United Nations Decade for Human Rights Education, 1995-2004, and to discuss possible future activities for the enhancement of human rights education.

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Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society as a whole in the States in which such persons live,

Concerned by the frequency and severity of disputes and conflicts concerning minorities and their often tragic consequences, and concerned also that persons belonging to minorities are particularly vulnerable to displacement,

Recognizing that the effective promotion and protection of the rights of persons belonging to minorities is a fundamental part of the promotion and protection of human rights, and acknowledging that measures in this area can also contribute significantly to conflict prevention,

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Emphasizing the role that national institutions can play as early warning mechanisms for the prevention of conflicts involving minority issues,

Emphasizing also the importance of human rights education as an effective tool to promote an inclusive society and understanding of and tolerance towards and among persons belonging to minorities,

Acknowledging that the United Nations has an important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Noting that the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights held its eighth and ninth sessions from 27 to 31 May 2002[1] and 12 to 16 May 2003,[2] respectively,

1. *Takes note* of the report of the Secretary-General;[3]

2. *Recognizes* that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities are central to the promotion and protection of the rights of persons belonging to minorities;

3. *Reaffirms* the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[4] and as emphasized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

4. *Encourages* States, in their follow-up to the World Conference to include aspects relating to minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

5. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, and to apply a gender perspective while doing so;

6. *Calls upon* States to give special attention to the promotion and protection of the human rights of children belonging to minorities, taking into account that girls and boys may face different types of risks;

7. *Urges* States to take, as appropriate, all necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

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[1] See E/CN.4/Sub.2/2002/19 and Corr.1.

[2] See E/CN.4/Sub.2/2003/19.

[3] A/58/255.

[4] Resolution 47/135, annex.

8. *Calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

9. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

10. *Calls upon* the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration, to continue to engage in a dialogue with Governments for that purpose and to disseminate widely the United Nations Guide for Minorities;

11. *Requests* the High Commissioner to continue his efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities relating to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in his endeavours;

12. *Welcomes* the inter-agency consultation of the High Commissioner with United Nations programmes and agencies on minority issues, and calls upon those programmes and agencies to contribute actively to this process;

13. *Invites* the human rights treaty bodies, when considering reports submitted by States parties, as well as the reports of special representatives, special rapporteurs and working groups of the Commission on Human Rights, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. *Encourages* intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

15. *Calls upon* the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights to implement its mandate with the involvement of a wide range of participants and to recommend, on the basis of its findings, appropriate measures for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

16. *Invites* the High Commissioner to seek voluntary contributions to facilitate the effective participation, including through training seminars, in the work of the Working Group on Minorities of representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries;

17. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution, and to continue to include examples of good practices in the field of education and of the effective participation of minorities in decision-making processes;

18. *Decides* to continue consideration of this question at its sixtieth session under the item entitled "Human rights questions".

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Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular article 6 of the Covenant, which states, inter alia, that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age, and article 10, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,

Bearing in mind also the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] in particular the right to equal treatment before tribunals and all other organs administering justice, the Convention on the Rights of the Child,[5] in particular article 37,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.
[3] Resolution 39/46, annex.
[4] Resolution 2106 A (XX), annex.
[5] Resolution 44/25, annex.

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according to which every child deprived of liberty shall be treated in a manner which takes into account the needs of persons of his or her age, and the Convention on the Elimination of All Forms of Discrimination against Women,[6] in particular the obligation to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Convinced that the independence and impartiality of the judiciary are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice and should therefore be respected in all circumstances,

Emphasizing that the right to access to justice as contained in applicable international human rights instruments forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

Recalling the Guidelines for Action on Children in the Criminal Justice System[7] and the establishment and subsequent meetings of the coordination panel on technical advice and assistance in juvenile justice,

Calling attention to the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[8] and of the plans of action for its implementation and follow-up,[9]

Recalling its resolution 56/161 of 19 December 2001, as well as Commission on Human Rights resolution 2002/47 of 23 April 2002[10] and Economic and Social Council resolution 2003/30 of 22 July 2003, entitled "United Nations standards and norms in crime prevention and criminal justice",

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. *Calls upon* States to review their national legislation to ensure that any national security, State security, counter-terrorism or similar laws are compatible with the provisions of international humanitarian law and applicable international human rights instruments;

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[6] Resolution 34/180, annex.

[7] Economic and Social Council resolution 1997/30, annex.

[8] Resolution 55/59, annex.

[9] See *Official Records of the Economic and Social Council, 2001, Supplement No. 10* (E/2001/30/Rev.1), part two, chap. I.

[10] Ibid., *2002, Supplement No. 3* (E/2002/23 and Corr.1), chap. II, sect. A.

4. *Invites* Governments to provide training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

5. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to promoting and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Encourages* the regional commissions, the specialized agencies and United Nations institutes in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

8. *Takes note with interest* of the debates held in the Security Council on the agenda item "Justice and the Rule of Law: the United Nations role";

9. *Invites* the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the Crime Programme of the Office on Drugs and Crime of the Secretariat, to coordinate closely their activities relating to the administration of justice, in particular in post-conflict situations;

10. *Calls upon* mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion and protection of human rights in the administration of justice, including juvenile justice, and to provide, where appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

11. *Calls upon* the United Nations High Commissioner for Human Rights to reinforce, within his mandate, his activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations;

12. *Encourages* the Office of the High Commissioner to continue organizing training courses and other relevant activities aimed at enhancing the promotion and protection of human rights in the field of the administration of justice, and welcomes the publication of the manual on human rights for judges, prosecutors and lawyers within the framework of the United Nations Decade for Human Rights Education, 1995-2004;

13. *Welcomes* the increased attention paid to the issue of juvenile justice by the High Commissioner for Human Rights and the United Nations Children's Fund, in particular through technical assistance activities, and, taking into account that

international cooperation to promote juvenile justice reform has become a priority within the United Nations system, encourages further activities, within their mandates, in this regard;

14. *Calls upon* the coordination panel on technical advice and assistance in juvenile justice further to increase cooperation among the partners involved, to share information and to pool their capacities and interests in order to increase the effectiveness of programme implementation;

15. *Takes note with interest* the decision of the Subcommission on the Promotion and Protection of Human Rights to prepare a working paper on women in prison, including issues relating to the children of women in prison (decision 2003/104),[11] and invites Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to this phenomenon with a view to identifying the key issues and ways in which they are addressed;

16. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and respect for the rule of law and human rights in post-conflict situations, and requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

17. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the High Commissioner in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

18. *Decides* to consider the question of human rights in the administration of justice at its sixtieth session under the item entitled "Human rights questions".

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[11] See E/CN.4/2004/2-E/CN.4/Sub.2/2003/43, chap. II.B.